(1) 92-140
Case No.

Supreme Court, U.S.
E D
MAY 26 1992
OFFICE OF THE CLERK

Supreme Court of the United States

Term: October 1991

Donald and Dorothy Greenman
Plaintiffs

City of Cortland
Defendants

Petition for Writ Certiorari

New York State Court of Appeals

Donald L. Greenman
16 Otter Creek Place
Cortland, N.Y. 13045
TEL: 607-753-0030

Questions Presented for Review: Rule 14

1. Was Article III Section II of the United States Constitution violated Re: Case No. 27663, and Case No. 26460?

   a) Law w/Equity (all cases)

2. Was Article III Section I of the United States Constitution violated in Case No. 27663, and Case No. 26460?

   a) Prejudicial Justice - N.Y.S. Judiciary Law #44

3. Was my request for judgment wrongly denied?

4. Is the Action Cost Recoverable?

   Part II: Expenses were actual which were assessed; my time factor, is it recoverable?

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The Order of the State of New York Court of Appeals dated May 5, 1992.
Request for Review - Denied and left lower Court ruling stand.
Appellate Division, Third Department also denied my right to due process of law in conflict with your Court Rule 17.1.

Official Opinions Below

On May 5, 1992 the New York State Court of Appeals denied review request, therefore affirming the Appellate Division, Third Department two Orders dated February 18, 1992 and March 9, 1992.

This denied me right to due process of law. Article III Section II of Constitution of the United States of America.

Jurisdiction

The Jurisdiction of this Court to review the Order of New York State Court of Appeals order dated May 5, 1992, two Orders by Appellate Division, Third Department of State of New York, dated February 18, 1992 and March 9, 1992 denying Petitioner's Request for Review, and Ruling Request on Case 27663, and Petition for Review is invoked under 28 U.S.C. § 1257, which provides as follows:

> "(a) Final Judgements or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by Writ of Certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States ...."

Constitutional Provisions Involved

The United States Constitution Article III

Section I & II.

Section I: Remains on bench only when in good behavior.

Section II: All cases that arise under this Constitution will be handled with law and equity.

Statement of Case

Two cases, No. 27663 and 26460, presented with identical evidence with conclusive documents dated October 9, 1922 Street only. Acceptance of Map dated November 1923, which clearly shows sidewalks, City Charter (3).

Complaint Case No. 26460: Motion To Reopen Case No. 26460 - New Evidence - Original Document of Petition for Street of Otter Creek, plus copy of City Charter Re: Sidewalks. (3 attachments)

Complaint Case No. 27663: Illegal occupation of sidewalks and compensation.

Judge Irad Ingraham started with the defendant and turned to me and assessed me $500, $20 for Motion and threw me out of the Court Room and tole me never to come back. My side of the case was never heard.

Article III Section II of the Constitution - All cases that arise under this Constitution will be handled with Law and Equity.

(Item H) The New York State Court of Appeals skirted the issue, along with Appellate Division Third Department.

Review Request: (Book #1) Page 1 Item 2 N.Y.S. Court of Appeals. The Constitution of the United States Article III Section II states that all cases that arise under this Constitution will be handled with Law and Equity. I was denied this Right.

Motion for Relief: (Book #1 Page 7) Page 1 Prejudicial Justice; Constitution of the United States of America, Article III Section II states: All Cases that arise under this Constitution will be handled with Law and with Equity.

(Item I) Not applicable

(Item J) Justice denied, two cases nos. 27663, and 26460 with wrong rulings - plus Case No. 27663 my side was never heard and threw me out of the Court Room and told me never to come back. I do not have access to the Supreme Court in Cortland County.

Same evidence both cases, different complaints. Every subject has many facets into it, and each and every one carries a different ramification.

The City of Cortland was put on Notice July 15, 1970 that they illegally occupied our sidewalks through letters to Mayor Noss, and Robert Young, Chairman of the Board of Public Works. Nearly 22 years of hostilities and the documents presented were conclusive, Oct. 9, 1922, Petition for Street. City Acceptance Map dated November 1923 clearly shows sidewalk. City Charter (3 attachments). No obstructions allowed.

The Constitution of the United States of America guarantees that all citizens' cases will be handled with Law and Equity.

Reasons for Granting Writ

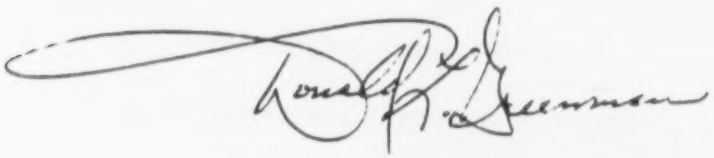
1. To sustain the rights provided for under the Constitution of United States of America, Article III Section I & II.

Conclusion

For all the reasons presented herein, this petition for Writ of Certiorari should be granted.

Statutory Provision

Rule 17.1 will prevail over the lower courts of State of New York and their rulings preventing law with equity.



16 Otter Creek Place
Cortland, N.Y. 13045
Tel. 607/753-0030
July 11, 1992

Petition for Writ Certiorari

Appendix

Appendices: ..... App. 1

Decision: ..... App. 1

State of New York Court of Appeals

Motion No. 317 Motion for leave

to appeal - Denied

Date of Entry May 5, 1992.

State of New York Court of Appeals .. App. 2

Motion No. 317

Order: That said Motion be and same hereby is denied with one hundred dollars cost and necessary reproduction disbursements.

Date of Entry May 5, 1992

Supreme Court - Appellate Division .. App. 3

Third Judicial Dept.

Motion for Relief - (Case 27663
(Case 26460

Appellate No, 56072

Cross Motion to Dismiss - Motion

Denied, without cost

Date of Entry Jan. 16, 1992

Supreme Court - Appellate Division .. App. 4

Third Department

Ordered, that Respondent's Cross Motion to Dismiss is denied, without cost.

Date of Entry February 18, 1992

Supreme Court - Appellate Division .. App. 5

Third Department

Motion for Ruling on Case 27663

Appellate No. 56072

Motion Denied

Date of Entry February 18, 1992

Supreme Court - Appellate Division .. App. 6

Third Department

Appellate No. 56072 - my case 27663

Order: Motion Denied, without Cost

Date of Entry March 9, 1992

Note: Motion for ruling on Case No. 27663 should have been given a new appellate number, but was filed and ruled under their same case no. 56072. New Case, New Complaint, New facet never heard.

Also Defendant's Reply affidavit in Motion for Ruling on Case No. 27663 was never received until 2 days after return date of motion was to be heard. Dirty Pool -- never had a chance to respond.

Donald B. Dunham
16 Otter Creek Lane
Cortland, N.Y. 13045
July 1, 1992

State of New York
Court of Appeals

Donald M. Sheraw
Clerk of the Court

Clerk's Office
Albany, New York 12207

DECISION May 5, 1992

3-12 Mo. No. 317
Donald & Dorothy Greenman,
Appellants.

v.

City of Cortland,
Respondent.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the fifth day of May A.D. 1992

Present, HON. SOL WACHTLER, Chief Judge, presiding

3-12 Mo. No. 317
Donald & Dorothy Greenman,
Appellants,
v.
City of Cortland,
Respondent.

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellants herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is denied with one hundred dollars costs and necessary reproduction disbursements.

/s/ Donald M. Sheraw
Donald M. Sheraw
Clerk of the Court

Supreme Court - Appellate Division
Third Judicial Department

January 16, 1992

56072 - DONALD GREENMAN et al., Appellants,
v
CITY OF CORTLAND, Respondent.

Motion denied, without costs.

Cross motion to dismiss motion denied, without costs.

WEISS, J.P., MERCURE, MAHONEY and CASEY, JJ., concur.

At a Motion Term of the Appellate Division of the Supreme Court of the State of New York, held in and for the Third Judicial Department, held at the Justice Building in the City of Albany, New York on the 6th day of January, 1992.

PRESENT: HON. LEONARD A. WEISS,
Justice Presiding.

HON. THOMAS E. MERCURE,
HON. A. FRANKLIN MAHONEY
HON. JOHN T. CASEY

SUPREME COURT: STATE OF NEW YORK
APPELLATE DIVISION: THIRD DEPARTMENT

DONALD & DOROTHY GREENMAN,

Appellant,

-against-

CITY OF CORTLAND,

Respondent.

ORDER

Case No. 56072

A motion having been made by the above-named Appellants, at this term of the Court in the above-entitled action for an order seeking a judgment against the above-named Respondent and

the Respondent having cross-moved for an order dismissing plaintiff's action,

NOW, after reading and filing proof of due service of the Notice of Motion in support of the Motion and the Notice of Cross Motion and the affidavit of Emerson R. Avery, Jr., Esq., attorney for Respondent, in opposition to Appellant's motion and in support of Respondent's Cross Motion and the court having rendered a decision on the 16th day of January, 1992, it is hereby

ORDERED, that the Appellant's motion is denied, without costs; and it is further

ORDERED, that the Respondent's cross motion to dismiss is denied, without costs.

/s/ Michael J. Novack
CLERK

DATED AND ENTERED: FEB. 18, 1992

Supreme Court - Appellate Division
Third Judicial Department

February 18, 1992

56072 - DONALD GREENMAN et al.,
Appellants,

v

CITY OF CORTLAND,
Respondent.

Motion denied, without costs.

WEISS, P.J., MERCURE, MAHONEY and CASEY, JJ.,
concur.

At a Motion Term of the Appellate Division of the Supreme Court of the State of New York, held in and for the Third Judicial Department, held at the Justice Building in the City of Albany, New York on the 3rd day of February, 1992.

PRESENT: HON. LEONARD A. WEISS,
Presiding Justice,

HON. THOMAS E. MERCURE,
HON. A. FRANKLIN MAHONEY,
HON. JOHN T. CASEY,
Associate Justices.

SUPREME COURT:
APPELLATE DIVISION: STATE OF NEW YORK
THIRD DEPARTMENT

DONALD & DOROTHY GREENMAN,
Appellants,

-against-

ORDER

Case No. 56072

CITY OF CORTLAND,
Respondent.

A motion having been made by the above-named Appellants, at this term of the Court in the above-entitled action for an order seeking judgment against the above-named Respondent,

NOW, after reading and filing proof of due service of the document in support of the motion by Donald Greenman and the affidavit by Richard C. Van Donsel, Esq. in opposition to the motion and the Court having rendered a decision on the 18th day of February, 1992, it is hereby

ORDERED that the motion is denied, without costs.

DATED:

/s/ Michael J. Novack
Clerk

DATED AND ENTERED: March 9, 1992

A TRUE COPY

/s/ MICHAEL J. NOVACK

Clerk

PUBLISHER'S NOTE:

THE FOLLOWING PAGES WERE UNAVAILABLE FOR FILMING:

Pgs. 7 thru 10

Other Appendices

	Page No.
Letter to Mayor John Walsh dated February 27, 1992 Compensation Clause Appended	1
Letter to Mayor John Walsh dated March 9, 1992 Illegal occupation cost and compensation cost by Norstar Bank	2
Letter to Robert Young, Chairman, Board of Public Works dated 7/15/70	3
Letter to Mayor Noss dated 7/15/70 Both letters requested removal of blacktop from our sidewalks	4
City Charter Sec. 15-1 Obstructing) Streets and Sidewalks) City Charter Sec. 15-3 Duty to) Construct and Maintain Sidewalks)	5

City Charter Sec. 15-3 (D) General Requirements 6

(1) Material Sidewalks - Concrete

(2) Line, Grade and Course. No walk may be constructed except to a Line and Grade given by a sidewalk survey by City Superintendent.

(3) Conformity. All sidewalks must conform to the specifications prescribed by the City Board of Public Works.

Document Petition for Street - dated October 9, 1922 7

Acceptance Map of Otter Creek Place dated Nov. 14, 1923 7A

Letter to Judge Ingraham to remove himself from hearing Divorce Case Divorced June 21, 1990 8

Donald L. Greenman
16 Otter Creek Place
Cortland, N.Y. 13045
July 10, 1992

Donald L. Greenman

16 Otter Creek Place
Cortland, N.Y. 13045
February 27, 1992

Mayor John Walsh, Jr.
City Hall
Cortland, N.Y. 13045

Re: Case 27663 Illegal Occupation of Sidewalks and Compensation

Dear Mayor:

Compensation clause to be amended as follows:

March 1, 1992 will increase to $12.00 per day, with interest rate staying same.

September 1, 1992 rate will increase to $25.00 per day with same interest rate.

Donald L. Greenman

16 Otter Creek Place
Cortland, N.Y. 13045
March 9, 1992

Mayor John Walsh, Jr.
City Hall
Cortland, N.Y. 13045

Re: Cost of Illegal Occupation of Sidewalks and Compensation: Case 27663

Dear Mayor:

Cost of 22 years of Illegal Occupation of Sidewalks - July 15, 1970 up to July 15, 1992.

Computed by Norstar Bank March 9, 1992 is as follows:

Sub Total	$375,555.90
Expenses	2,000.00
Total	$377,556.90

Copy of computation attached.

Donald L. Greenman

This information is a service of
Norstar Bank of Upstate New York
GROTON AVENUE OFFICE
1094 Groton Avenue Ext.
Cortland, N.Y. 13045

If you have any questions, please contact:

TERRY LEE GREEN
ASSISTANT VICE PRESIDENT/SALES MANAGER
(607) 753-1701 OR (315) 426-4465

Future Value - Reg Deposit

Page C11

Future Value (Goal):	$375,556.90
Interest Rate:	5.650
Deposit Amount:	720.00
Deposit Frequency:	Monthly
Time of Deposit: (each period)	Begin
Term of Accumulation: (in months)	264

Enter the data items requested at the left.

You may compute any one of the following data items by leaving it with a value of ZERO:

- Future Value (Savings Goal)
- Interest Rate (Annual Yield)
- Regular Deposit Amt.
- Term of Accumulation

- The above information is for illustrative purposes only -

- Rates and/or Prices are Subject to change -

This information is a service of
Norstar Bank of Upstate New York
GROTON AVENUE OFFICE
1094 Groton Avenue Ext.
Cortland, N.Y. 13045

If you have any questions, please contact:

TERRY LEE GREEN
ASSISTANT VICE PRESIDENT/SALES MANAGER
(607) 753-1701 OR (315) 426-4465

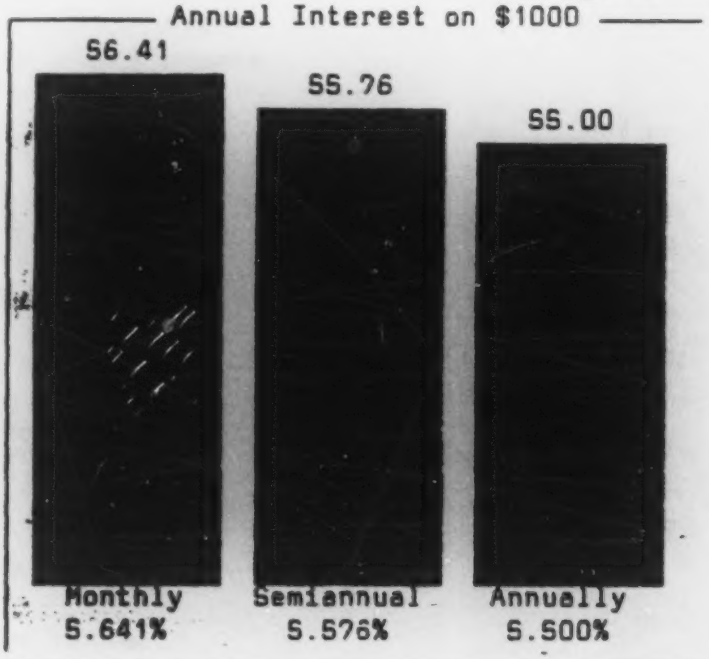
Effective Yield

Nominal Interest Rate: 5.500%

#1 Compounding Method: Monthly

#2 Compounding Method: Semiannual

(Based on $1,000.00 for 1 year)



- The above information is for illustrative purposes only -

- Rates and/or Prices are subject to change -

16 Otter Creek Place
Cortland, N.Y. 13045
July 16, 1970

Board of Public Works
City Hall
Cortland, N.Y. 13045

Attention: Mr. Robert Young, Chairman

Dear Mr. Young:

The following residents of Otter Creek Place request that the Department of Public Works remove the blacktop from the sidewalks in front of our homes:

1. Paul C. Fisk
2. Helen Spaulding
3. Josephine Garrison (tenant)
4. Dorotby M. Greenman & Thelma Gingrich (owners)
5. Donald L. Greenman

The property owners on Otter Creek Place object to the widening of the street because of the following:

1. The widening of the street has resulted in a great increase in traffic.
2. The cars drive up too close to the lawns.
3. The street is now unsafe for children and for old people who can't get out of the way of the cars.
4. The cars now toot their horns for the pedestrians to get up on the lawns.
5. We will lose our lawns when winter comes.

6. One or more of the water shut offs are located in the sidewalks now covered by the blacktop and the owners can't find them.
7. Two homes had water in the cellar. These have not been bothered by this condition before.
8. Water backs up on the yards -- never before.

Paul C. Fisk
Mr. Durwood Barber
Norma S. Warfield
Florence M. Mullen
Helen Spaulding
Howard Keagle
Donald L. Greenman
Dorothy M. Greenman

16 Otter Creek Place
Cortland, N.Y. 13045
July 15, 1970

Mr. Morris Noss
Mayor of Cortland
City Hall
Cortland, N.Y. 13045

Dear Mr. Noss:

Pursuant to our telephone conversation of 6:30 p.m. July 15, 1970, I hereby request the Department of Public Works to remove the blacktop from the sidewalks on Otter Creek Place.

Sincerely yours,

Dorothy M. Greenman

P.S. The following residents of Otter Creek Place also request the Department of Public Works to remove the blacktop from the sidewalks on Otter Creek Place due to the safety for pedestrians and children.

Paul & Patty Fisk
Donal A. Spaulding
Mrs. Claude Warfield (Norma)
Josephine C. Garrison (tenant)
Dorothy M. Greenman & Thelma Gingrich (owners)

P.S. Flooding is excessive due to the blacktop obstructing the natural flow of water from the hill.

Chapter 15

STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 15-1. Obstructing streets and sidewalks

No person shall obstruct or block off any public sidewalk, public street or public grounds, or any portion thereof, of the city without first obtaining a permit therefor from the Common Council of the city. (Code 1955, 5-1; Ord. No. 1969-4, § 1, 2, 6-3-69; Ord. No. 1971-9, § 1, 4-6-71).

Sec. 15-3. Sidewalks and driveways.

(a) Duty to construct and maintain sidewalks. Upon notice from the Board of Public Works, it shall be the duty of the owner of any property to properly construct and maintain a sidewalk in or abutting his property. However, no person shall proceed with the construction, reconstruction, maintenance or repair of any sidewalk without obtaining a sidewalk permit from the Superintendent or his authorized agents and a sidewalk survey request from the office of the City Superintendent. The City Superintendent shall supply line and grade and the specifications for the work to be performed.

(d) General requirements.

(1) Material. Sidewalks are to be built of concrete, meeting and material specifications prescribed by the City Board of Public Works.

(2) Line, grade, course. No walk may be constructed except to a line and grade given by a sidewalk survey by the City Superintendent. Application for a survey must be made at the City Superintendent's office twenty-four (24) hours before the builder desires to start work. There shall be no fee charged for a sidewalk survey. All sidewalks shall be of one (1) course construction and of a minimum width of five (5) feet, except where variances from this width are either specifically permitted or required by the Superintendent.

(3) Conformity. All sidewalks must conform to the specifications prescribed by the City Board of Public Works and all streets and driveways must conform to the standard adopted by the city, unless special permission is otherwise given by the Board of Public Works.

To the Honorable Board of Public Works
of the City of Cortland, N.Y.

WE, the undersigned, HEREBY PETITION AND REQUEST your Honorable Board to open, adopt and lay out and maintain, a new proposed Street hereby petitioned for, and as mentioned and described, indicated and laid out on a map thereof, hereto annexed and made a part hereof, and described as follows:

A street thirty-three (33) feet wide, at all points and extending Southwest from Groton Avenue a distance of about seven hundred fifty-two (752) feet, and known as Otter Creek Place in said city.

Hereby waiving any and all claims for damages for the opening, laying out and acceptance of said Street, hereby petitioned for.

Dated, Cortland, N.Y.

October 9, 1922.

Claude Warfield	2 Otter Creek Place
J.F. Twentyman	4 Otter Creek Place

OVERSIZE FOLDOUT(S) FOUND HERE IN THE PRINTED EDITION OF THIS VOLUME ARE FOUND FOLLOWING THE LAST PAGE OF TEXT IN THIS MICROFICHE EDITION.

SEE FOLDOUT NO 1

16 Otter Creek Place
Cortland, N.Y. 13045
June 5, 1990

Justice Irad S. Ingraham
Supreme Court Justice Bldg.
Norwich, N.Y. 13430

Re: Court Case RJ189-0337-N and Invasion of
and Due June 18, 1990* Constitution
People's Rights
Case Cited
Donald & Dorothy Greenman
v.
City of Cortland, June 30, 1989

Judge Ingraham:

I do hereby request that you remove yourself from hearing the above case.*

Reason: Invaded my rights June 30, 1989 and every person in New York State.

I have asked President George Bush to implement proceedings to remove you from the Bench, based on the case against City of Cortland dated June 30, 1989.

Donald L. Greenman

Note: No person in these United States should ever be subjected to being thrown out of court-room again, and if you do I (Judge Ingraham) will make it so miserable for you that you would have wished that you had not.

Donald L. Greenman

16 Otter Creek Place
Cortland, N.Y. 13045
July 11, 1992

PUBLISHER'S NOTE:

THE FOLLOWING PAGES WERE UNAVAILABLE FOR FILMING:

Pgs. 9 thru 11

Documentation Book #

New York State Court of Appeals - Request for Review

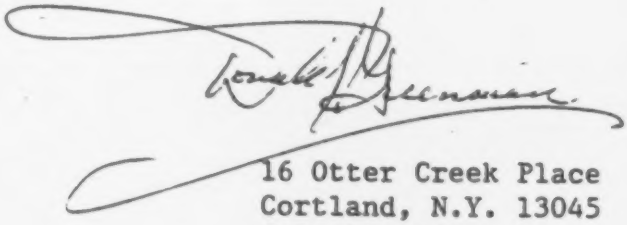
a) Case No. 27663) 1, 2, 3
) Motion for Relief
b) Case No. 26460)

Clarification: Review Request 4

Defendant's Reply Affidavit

Case No. 27663 5

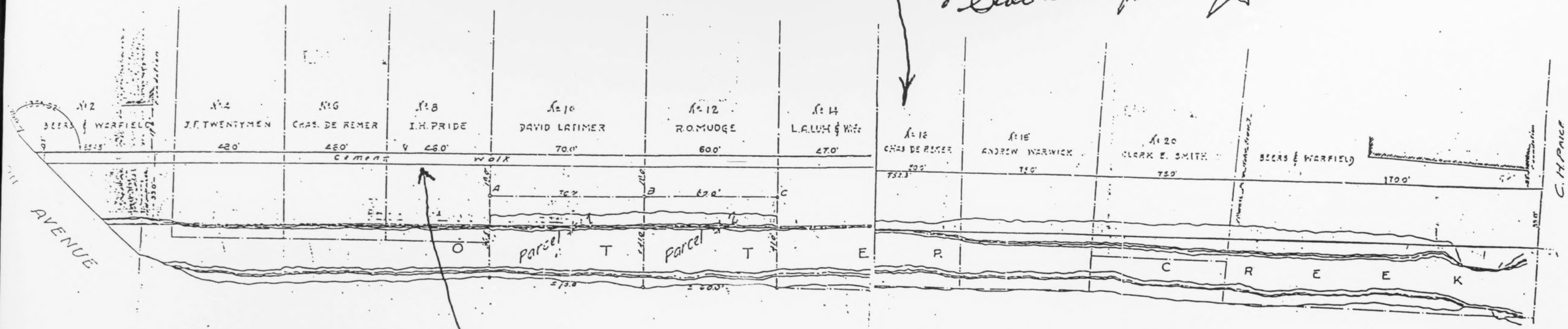
Motion: Ruling Case No. 27663 (Bk.3, Pg. 105)



16 Otter Creek Place
Cortland, N.Y. 13045
July 11, 1992

7f23

Only House 16
& Side walks per City Charter.



ACCEPTANCE
MAP OF
OTTER CREEK PLACE
D.B. COLEMAN, ENG. NOVEMBER 14 1923
SCALE 1"=50'

Note: Cement Walk

45.f23